

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 13-CR-20369-1

vs.

HON. BERNARD A. FRIEDMAN

JOHN ROBERT DAVIS,

Defendant.

**ORDER TRANSFERRING DEFENDANT'S "LETTER/MOTION TO VACATE"
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Defendant has filed a "letter/motion to vacate conviction and sentence" [docket entry 220].

Defendant asks that the Court "vacate his conviction, and sentence on the basis, he was deprived of his Due process rights under the United States Constitution's V amendment. Because the Court was without jurisdiction to render a judgment, or to impose sentence." *Id.* at 2. The instant motion appears to be a second or successive 28 U.S.C. § 2255 motion, the first such motion having been filed on August 30, 2017 [docket entry 166]. A second or successive § 2255 motion "must be certified as provided in section 2244 by a panel of the appropriate court of appeals . . ." 28 U.S.C. § 2255. When, as in this case, a second or successive § 2255 motion is filed without the required certification, the district court is required to transfer the motion to the court of appeals. *See In re Hanserd*, 123 F.3d 922, 934 (6th Cir. 1997). Accordingly,

IT IS ORDERED that defendant's "letter/motion to vacate conviction and sentence" is hereby transferred to the United States Court of Appeals for the Sixth Circuit.

Dated: June 22, 2020
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 22, 2020.

John Robert Davis, 48410-039
Edgefield Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 725
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s/Johnetta M. Curry-Williams
Case Manager